

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK----- x
THE NEW YORK CITY TRIATHLON, LLC

Plaintiff,

-against-

NYC TRIATHLON CLUB, INC.

Defendant.
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10-CV-01464 (CM)

DECLARATION OF
JIM DONALDSON

I, Jim Donaldson, declare as follows:

1. At the request of the NYC Triathlon Club I make this declaration based on my personal knowledge and not in my capacity as a member of the board of the USA Triathlon.
2. Together with my wife, Joyce, we are the owners of Elite Endeavors, LLC, an Ohio Limited Liability Company (www.eliteendeavors.com), an event management company based in Sylvania, Ohio. Elite Endeavors designs and produces multisport races, including the Ann Arbor Triathlon, which this year is being held on June 13, 2010, near Ann Arbor, Michigan. Elite Endeavors has organized the Ann Arbor Triathlon since 1999.
3. Ann Arbor, Michigan, like many cities, has a triathlon club, the Ann Arbor Triathlon Club, which is named after where its members live and/or work. The Ann Arbor Triathlon Club is a non-profit group run by volunteers that promotes the sport of triathlon. To that end, the Ann Arbor Triathlon Club provides training and social events for its members as well as encourages its members to volunteer at area triathlon events, including the Ann Arbor Triathlon.

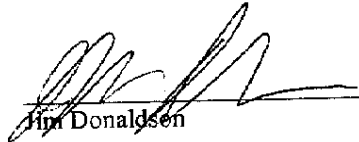
4. While members of the Ann Arbor Triathlon Club compete in and volunteer at the Ann Arbor Triathlon, which is a boost to the event, the Ann Arbor Triathlon is not affiliated in any way with the Ann Arbor Triathlon Club.

5. Within the Ann Arbor community, the Ann Arbor Triathlon and the Ann Arbor Triathlon Club are able to peacefully co-exist. There is no conflict or confusion between the Ann Arbor Triathlon and the Ann Arbor Triathlon Club. The public understands that the Ann Arbor Triathlon is a triathlon event put together by Elite Endeavors that takes place one weekend a year, and that the Ann Arbor Triathlon Club offers swimming, biking, and running workouts, training, coaching, volunteer opportunities, and a social network, among other things.

6. I have been advised of the existence of the NYC Triathlon Club and its President, Christophe Vandaele, but I do not have any affiliation or relationship with either of them.

I declare under penalty of perjury that the foregoing is true and correct.

Executed at Sylvania, Ohio on March 30, 2010.



Jim Donaldsen